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REMARKS

UPON A

LETTER

(Just made Publick)

On certain Points of the Last IMPORTANCE
to these Nations.

ADDRESSED TO

His Grace the Duke of Newcastle.

In a LETTER to the AUTHOR of that
Pamphlet.



L O N D O N :

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CHURCH OF THE HOLY TRINITY





REMARKS, &c.

S I R,



Person possess'd of those disinterested Principles, which you profess in your Letter to his Grace the Duke of *Newcastle*, cannot possibly be disobliged at another, who sets out upon the same Plan, for endeavouring to set you right in some Matters, wherein you seem mistaken; and making some Addition to these rational Schemes you have proposed, for extinguishing the Remains of this truly detestable Rebellion.

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'Tis

'Tis upon this Presumption, I take the Liberty to make you this publick Address, without the least Intention of giving you the smallest Disgust. My Remarks, Sir, are far from being designed to detract from the Merit of your Performance; nor do I set down to write with a cavalling Disposition: In these Points where I have the Misfortune to differ from you, I touch them with the utmost Regret; and nothing but the Publick Good could tempt me to enter the Lists with a Gentleman who seems directed, in this Enquiry, by nothing but a truly Patriot-Spirit.

The professed Design of your Address to his Grace, is an impartial Enquiry into the Causes of the late Rebellion; in order from thence to find out the most rational Measures for extinguishing the Remains of it.

In order to this, you have given us the History of the several Rebellions, since the Revolution down to the present: But this, Sir, I cannot apprehend to be informing us of the Source of Rebellion or Disaffection: It is, indeed, acquainting us with the *Æra* from whence it took its Date; but does not give us the smallest Light into the Motive which gave Rise to these Insurrections.

You

You have, indeed, made one Use of it ; that is, to prove that every Rebellion since that glorious Period, have taken their Rise, and received their chief Strength from that Part of *Scotland* called the *Highlands* : This is certainly true ; but you should not have stopt short here, but proceeded to the main and first Part of your Undertaking, to inform the Publick, How it came to be in the Power of the Enemies of the Revolution, and the Government established upon that Basis, to practise upon the Highlanders more than any other Part of the Kingdom ; and for that Part of the Country, by much the least populous in the Island, to give such sudden and powerful Aids to a Popish Pretender.

By your History of these Rebellions, you would seem to infer, That a Disaffection to the present Royal Family, and an Attachment to the Abdicated House of *Stewart*, prevails more in that Country than in any other Part of the Island : But, in this, I beg Leave to differ from you ; and, upon a true State of the Case, I hope you will be of my Opinion.

The Highlands and Isles of *Scotland*, contain a very large Tract of Land, extending from the South-end of *Kintyre* to the most

Northern Point of *Caithness*, between Three and Four hundred Miles, all along the Coast; and all that Tract thick set with Islands, tolerably peopled: Both Continent and Islands put together, may be computed to contain Half a Million of Souls. This large Tract of Land, with all its Inhabitants, is properly in the Possession of less than Four-and-twenty Persons, who exercise an unlimited Power over the People, both in Persons and Estates.

Now, let us suppose, for Argument's sake, that every one of these Chiefs should prove disaffected, would it be a natural Conclusion, That the whole Inhabitants of that Country were of the same Disposition: You may, if you will conclude, That whatever their Disposition is, they are obliged, and, probably will, on all Occasions, follow their Chiefs. This I grant: But this gives us no Light into their real Disposition, which is what we are chiefly to inquire into, in order to know how it is proper to deal with them; for I think it will be granted, that he who is a Rebel from Principle, or his own natural Disposition, deserves another kind of Treatment, than he who is a Rebel, because he either is, in Reality, or fancies himself obliged to follow his Chief.

Now,

Now, to convince you that the common People, and lesser Gentry, are not disaffected from Principles of their own, you are only to observe, That as often as their Chiefs changed Sides, they do the samewith Chearfulness: The Duke of *Atholl*, and his Clan, appeared in the Interest of King *William*, against my Lord *Dundee*: They were ready in 1708, when an Invasion was threatned, to declare against Queen *Anne*, in direct Opposition to the Revolution; and how they behaved under the Marquis of *Tullibardin*, in the Year 1715, is recent. The *Frazers*, in the Beginning of the Rebellion 1715, appeared under the Pretender's Banner, under *Frazerdale*, who then acted as Chief, the Lord *Lovat* being then abroad; but towards the latter Part, the Lord *Lovat* coming home, and declaring for his late Majesty, the *Frazers* left the Pretender, and followed their Chief, and performed that signal Piece of Service, of reducing *Inverness*, and recovering it from the Rebel *Mackenzies*: In this Rebellion these very Men are on the other Side, for Reasons very apparent.

From these Instances, and many more which might be given, I shall conclude, That the Clans, in general, excepting their Chiefs, are perfectly neutral in the present Question ;

Question; that is, they look upon themselves as bound to obey their Chiefs, without consulting the Equity of the Cause in which they are engaged.

This being the Case, we are only to look into the Chiefs, and inquire, How it came about, that they show such an obstinate Attachment to a Popish Pretender.

In the first Place, it is impossible that it can be Religion that can be their Motive; few or none of them are Roman Catholicks; I know none who can be properly said to be a Highland Chief, who is so, except the Duke of *Perth*, and One or Two of the Minor Chiefs of the *Macdonalds*; all the rest of them are Protestants; and the Number of the Commonalty that are *Romans*, in all that Tract of Country, including both Men, Women, and Children, does not amount to the Numbers of Three thousand; a Computation I have heard made by some of the Missionaries that have been amongst them.

Nor can it be owing to any Favours they have received from the House of *Stewart*, before their Abdication: On the contrary, the most of them had rather Cause of Resentment;

sentment; particularly the *Macdonalds*, who lost very considerable Estates by Forfeitures made by that House.

You are then pleas'd to advance, That the Clans had Pensions during the Reign of King *Charles* and King *James*, to keep them in Readiness for the Purposes of these Times: But in this you are strangely mistaken; for the Pensions you speak of did not commence till after the Battle of *Killcranky*, in King *William's* Time; when that wise Prince, instead of Extirpating and Transporting Schemes, allowed the Chiefs annual Pensions, which kept them quiet during all that Reign: Her Majesty Queen *Anne* continued these Pensions during her Life-time: And these Measures were approved of, not only by her Whig and Tory Ministry; but my Lord *Oxford* had his Conduct approved of, in that Particular, by a Vote of the House of Lords, occasioned by these Pensions being objected to his Lordship as a Crime, by the late Duke of *Argyle*.

Besides, you forget, That Part of the Clans appeared in Arms, upon the same Principles with the Revolution, in 1685, under the late Earl of *Argyle*; which shows,
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at least, that they were not all retained as Tools of arbitrary Power.

From hence I would conclude, That the Poverty of the Chiefs is the sole Reason which exposes them to be so easily practised upon, to enter into Measures destructive of the Peace of the Society: They are possess'd with a high Opinion of the Dignity and Antiquity of their several Families: Their Estates, tho' large in Extent, yet yields but a small Income, incapable of supporting them in the Grandeur which the Luxury of the Times obliges them to live in: The small Revenues they have, are much incumbered with Debts; and the Education of their Children costs five Times more than it would have done before the Revolution. Thus their Poverty, aggravated by their Pride, exposes them to the first Temptation that offers: The Power they have over their Vassals, makes them courted by such as want to disturb the national Quiet: And their Necessity obliges them to sell their own Safety, as well as the Peace of their native Country, for a trifling Gratification in Hand, and a more trifling Promise, *in fieri*.

Thus I would, out of meer Charity, resolve a great Part of their Crime into Necessity,

cessity; and, consequently, ascribe the Progress, as well as Rise of the Rebellion, to that universal Spirit of Venality which prevails over the whole Island. To find Men bribed out of their Honesty, making daily Sale of their native Country, we need not travel so far as the Highlands of *Scotland*. In that barren mountainy Country, we may, perhaps, find a Score or Two of such Miscreants, who sell their Birth-right for a Mess of Pottage: But in a certain great City, of a more Southern Latitude, we shall find Two or Three hundred of them meet in a great Hall every Day, to barter away the Privileges of a free People for some poultry Place or mean Pension, a Ribbon, or a Title; they are not ashamed, to make the Price of their Country, their Badge of Distinction; they prey upon her Vitals; and were their Courage equal to their Want of Integrity, we should have southern as well as northern Rebels.

There are another Class of these Chiefs, who have lost their Estates and Honours in former rebellions, who flatter themselves that they have a natural Right to recover what was their Forefathers: It is hard for Men, in these Circumstances, to resist the Temptation of a probable Opportunity of recovering their Patrimony: It is difficult

for them to convince themselves, that they lost them justly: For these, there is some Degree of Compassion to be afforded for their Folly: And this convinces me, that Forfeitures, which extend beyond the Life of the Aggressor, can be of very little Service to the Publick, if not real Detriment: It intails the Principles of Rebellion upon the Heirs of the forfeited Person, who, as they were innocent of the Crimes, when committed, cannot so easily digest their suffering for Ages, in the Punishment of a Crime, in which they were neither directly or intentionally, concerned.

Thus, Sir, if we look upon the Country called the Highlands, as under the Influence of a few necessitous Chiefs, we can account for their being more liable to be practised upon by factious and turbulent Spirits, without supposing any inherent Principles of Disaffection to prevail in the Country, in general. When a Country is in few Hands, and these necessitous, that Country is easier bought and sold, than where Power and Property is more equally distributed. This is a Truth every Man dealing in our modern Elections, is perfectly convinced of: These find it easier to bribe a little Borough, managed by a Dozen or Two, than a populous City of as many Thousands, tho' Venality may

may prevail in the one as much as in the other ; but the Price is not to be found every where for these large Bodies.

Thus, then, we have only to account for the great Power of these Chiefs, and the Source of the Dependence of the common People upon them.

You have very justly observed, That all legal Vassalage was taken away, after the Extinction of the late Rebellion : But that there still remains that natural Homage introduced and confirmed by Custom : This is very strong, and not to be eradicated from the present Generation, at least but by slow Degrees : Nor is it possible, that it should from the next, unless that is removed which gave partly Rise to its Original ; and every Day confirms it ; I mean that Sovereign Jurisdiction which most of these Chiefs exercise within their own Territories.

Over all that Tract of Highland Country, every considerable Landlord is sole Judge of all Matters Civil and Criminal ; and in some Places is so, without any Appeal lying from him to the King's Courts.

In Matters of Civil Property, he is sole Judge, and, like the Lord High Chancellor,

determines every thing, without a Jury. In Matters Criminal, where the Crime does not infer a Capital Punishment, he likewise determines without a Jury : And in Capital Cases, he summon Forty-five, out of which Number he chuses Fifteen, who pass as a Jury upon the Criminal, who has no Right to object to any of them, unless he can prove the Objection instantly : He finds the Relevancy of the Libel, which is like the Grand Jury's finding the Bill of Indictment : He directs the Jury in the Facts into which they are to inquire ; and to bring in a Special Verdict : He determines the Sentence : And, in all Cases, receives the Forfeiture of the Criminal's Estate.

Possessed of such an unlimited Legal Power, is it not natural, That this Chief should be able to command the Persons of his Tenants and Vassals : What Man in *England*, living in a Territory where such a terrible Jurisdiction subsisted, would dare to disobey the Judge.

This, Sir, with the Tenant's want of Leases, is the sole Source of that Dependence which the Common People have upon their Tyrant Chiefs : And whilst these Jurisdictions remain, exercised in the Manner which they now are, it is morally impossible
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for any Notions of Liberty to subsist in that Country.

Thus, Sir, having got at the real Source of Disaffection in the Highlands, I shall proceed to examine some, and to add to others, of your Proposals for extinguishing the Remains of it.

As to your first Proposal of transporting, I am surprised that such an unnatural Thought should occur to you: The Objection you yourself start to it, as suggested by some, must appear to every common Understanding in the strongest Light, especially to every Man the least possessed of Humanity, or any Notion of Liberty; such a Scheme could only be thought of by a *Spaniard* or a *Tartar*; I mean seriously; or if it did occur, a wise Man would stifle it. I am sorry you gave it a Place in an Address to any of his Majesty's Ministers, who I am sure must abhor the very Thought. An injudicious Hint of this Kind, dropt some Months ago from a Man who ought to have known better, I am afraid has done a great deal of Mischief, and has been made a Handle of to hurry some Hundreds to their Ruin, who might otherways have remained easy.

But

But I drop it, and shall only make this further Remark, that you have been mistaken in the Character you have drawn of the Highlanders in general: You have represented them, as a Crew of wild, savage, ignorant, blood-thirsty Monsters; you have scarce mentioned them without one or other of these Epithets: Had you designed your first Scheme of transporting should take place, it was very necessary to give the Publick that Idea of them, in order to work them up to put in force that unnatural Degree of Rigour; but if you meant that your second, which you call the most rational, should take place, a quite contrary Conduct was necessary: Were they as you represent them, they are not only unworthy of living in *Britain*, but ought to be cut off the Face of the Earth, like the Heathen Nations that inhabited the Land of *Canaan*: It was your Business, consistent with your second Scheme, not to have exaggerated, but as much as possible, consistent with Truth, to have palliated Matters, in order to prepare the Minds of the People to relish that Lenity towards them which you was so prudently recommending.

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But in fact, the Character is entirely groundless; for making a proper Allowance for Difference of Language and Customs, the Highlanders in general are sagacious, quick of Apprehension, strong in their Friendship, and inveterate in their Enmity; are naturally generous, and hospitable, active and courageous; they have most of them a Mechanical Turn, as making all their own Necessaries themselves; and where they have had Opportunity of improving, make as great Proficiency as any Set of Men in the Manufactures; in the fabricating of some of them, they excel all the Nations in *Europe*, particularly in the Make of their Plaids: They make as good Soldiers and Sailors as any other Nation; but are not so fit for the laborious part of Husbandry, tho' in all other Exercises, excepting that, they will undergo more Fatigue than any other Set of Men I know. Upon the whole, if you can make their Chiefs honest, or convince them that they are not obliged to obey them, there are not better Subjects in the King's Dominions.

This paves the Way for your second Scheme, of which I heartily approve; only shall beg leave to graft a few Hints
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upon it. The first is, as a necessary Preliminary, that the Legislature should take into Consideration the Nature of these Jurisdictions, and find out some Ways and Means to make them less dreadful to the Subject ; without this, the Natives must remain Slaves, and they must be *Englishmen* of an odd Stamp who would chuse to transplant themselves to a Country where they were subject to such despotic Power ; for my Share I have such an Idea of them, that I would as soon profess Judaism in *Spain* or *Portugal*, as pretend to be free, where a Highland Chief is Lord of the Manor.

In the next Place, I would recommend, that all proper Encouragement be given to the Fishery on that Coast ; and that a Sum of at least 100,000 *l.* be raised by Lottery, or otherwise, to carry on a Fishery in that Country ; which Sum, in proper Hands, and properly directed, would in the Space of seven Years reimburse the Nation the whole Expence of the Rebellion, besides the great additional Strength it would be to the Royal Navy, as a Nursery for Seamen. In order to this it would be necessary, to free the Fishers from all Taxes claimed by the Proprietors of Land on that Coast. This is a
grievous

grievous Burden on these poor People, and a main Discouragement of the Fishery: There is one Proprietor, who lays Claim to Sixteen and Eight pence annually, from every Boat that fishes in any Part of the whole Extent of the fishing Coast. Besides this exacted by him and his Farmers, the other Proprietors claim a larger Tribute, some a sixth Day's Fishing, and lays the Fishers under an Obligation to sell their Fish to whom they please, and at what Price they fix. I submit it to the Publick, if or not these Impositions are not a manifest Discouragement to the Increase of the Fishery, and an Oppression of the poor Fishers.

Were these, with the other Regulations you have so judiciously pointed out, put in Execution, that Tract of barren Land, which has cost so many Millions to the Nation, might become a Mine of Wealth, and the People a real Security to the Publick. Let the Government convince them, that they are free from their Chiefs; and that they are equally regardful of their Property as that of any other Subject, those People, who are naturally grateful, would return the Blessings of Peace and Plenty, with a Tenfold Loyalty.

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I shall beg Leave to add another Thought which occurs to me ; that is: As there are, by means of this Rebellion, some Thousands of these Men inured to Military Discipline, that his Majesty should raise Five or Six thousand of them, giving the Command to the Loyal Chiefs ; and lend them out (if there is no other Occasion for them) to some of our foreign Allies, who might allow the Chiefs an annual Subsidy, for keeping the Corps compleat: This would employ some of the restless Spirits, whose Minds being ruffled with the Loss of Friends, and their own Sufferings, may not be so proper to mix with the Body of the People, would be an honourable Reward to the loyal Clans, and a real Security to the Island, in case their Assistance should, at any time, be wanted.

I shall now Sir, proceed to make some few Animadversions on that Part of your Inquiry, which relates to the *Jacobites* in the other parts of the Island: You are pleas'd to ascribe so much of that Spirit of *Jacobitism*, which prevails in the Low Countries of *Scotland*, to the Assiduity of the Clergy of the Episcopal Persuasion; tho' a great Part of it may be laid to the Charge of some of those Gentlemen; I may easily grant you; But I cannot agree with your
Method

Method of removing that Evil, by banishing all the Clergy of that Opinion indiscriminately; tho' some of them may have made a bad Use of the Indulgence they have enjoy'd under the Government; yet I am convinc'd, by far the greatest Part of them deserve better Usage; such as have been really active, in fomenting the present Rebellion, you may deal with as you please, But those who have behaved peaceably and decently, have a Right to that Toleration which the Law allows, and are not to be deny'd the Protection of the Government, upon that general Presumption that Episcopacy and *Jacobitism* are Terms synonymous in *Scotland*; that the Government, has a Right to demand the Security of Oaths, from every Subject, is an undoubted Truth; yet 'tis equally true, that 'tis the Interest of the Government not to be over and above exact, in requiring that Security from some Ranks of People in the Island, especially from those who are Nonjurors from real or pretended conscientious Principles; for I think there are some of that Sort, from whom the Government has as little to fear as from those who take all the Oaths presented. They have indulged the Quakers from all sort of Oaths; and we find by a Bill that passes annually, that the Legislature has

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no bad Opinion of many who neglect to take the Oaths. On this Account, I am not for your Scheme of banishing all the Episcopal Clergy; that would look too much like a religious Persecution, and would tend rather to increase the Disaffection than allay it.

You have been too general in your Reflection upon *Scotland*; perhaps you have not designed it; but you have dropt some Expressions in so loose a Manner, as that some may extend your Meaning to a Reflection upon the whole Kingdom: In speaking of praying for the King, you have these remarkable Expressions. “ And every one
 “ who has been in *Scotland* knows with
 “ what Indignity his Majesty’s Person, and
 “ all the Royal Family, are treated in familiar Conversation, by even the more
 “ fashionable Part of them; and with what
 “ Scurrility the lower Sort of them treat
 “ those sacred Names.” I own I have been in *Scotland*, and frequented Companies of all Ranks, and could never find the smallest Grounds for that Aspersions. I have heard more Scurrility vented in one Day, in a publick Coffee-house in *London*, than I have heard for Years in *Scotland*.

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It generally happens, Sir, that these Things which every one knows, no body knows ; and I expected that a Man of your Discretion would not have ventured to publish for Truth, any thing upon so bad Authority as publick Fame. General, National Reflections are odious at all Times ; but at this Time they are highly criminal, as they tend to foment a Spirit to which the unhappy Circumstances of the Times give too much Countenance.

I agree with you, that all really disaffected should be debarred all Places of Trust and Profit, not only there, but any where else ; but you should have proposed a Method of distinguishing those that are disaffected ; for being reputed so, without absolute Proof, would lay Numbers of Men under very great Hardship : For you know, Sir, that there are very many reputed Whigs, who are really *Jacobites* ; and why there may not be many reputed *Jacobites*, who are really not so, would require some Explanation. Now, Sir, I would not have it in the Power of a Minister (for there have been and ever will be many bad ones) first to repute a Man disaffected, and then deny him the common Privileges of a Subject.

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In short, Sir, that Regulation in general is too unconfined, and I hope means no more than that none should be trusted with Power or Profit under the Government, but such as gave the Government the Security required by Law for their good Behaviour.

I find, Sir, you are for extending this excluding Law to all Protestant Dissenters in *England*, that is, continuing the Test Act; for I suppose that is what you mean, *pag.* 28, “ by keeping the Remains of it out of all “ Power and Influence.” Whatever might be the Policy of first making the Test Act, and continuing it hitherto; yet I cannot see the Policy of dropping the most distant Hint about it, at present: It is very well known, that Law sits very uneasy upon the Minds of many well-meaning Dissenters; and that some former Ministers have given them great Hopes, that that Distinction would be repealed, so soon as a proper Opportunity offered. Whether the Behaviour of all Denominations of Protestants, at this important Crisis, has not paved the Way for that long wish’d for Opportunity, I leave you to judge; but this I dare affirm, that their Conduct, on this Occasion, may convince the Government, that they have nothing to fear from them, tho’ they
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were put upon a Footing with the rest of the Nation, by the Removal of that Law.

I shall drop this Part of the Subject, by only observing what a Number of Contradictions we are involved in, when we meddle with Religion, in any political Controversy.

In *Scotland*, the Members of the Communion of the Church of *England* are to be debarred all Power, and their Clergy banished, because they are suspected of Disaffection, as being of that Persuasion; and the Presbyterians are indulged in a full Plenitude of Spiritual and Temporal Power, because Presbyterians: Yet these very People, in *England*, are debarred all Power and Influence, because they are Presbyterians; and those of the Episcopal Persuasion vested with all that Power which they are denied in *Scotland*: Thus the same Man, with the same Principles, may be a good or a bad Subject, a Friend to, or obnoxious to the Government, by only passing the *Tweed*. Is it the Air on each Side that River that can produce this wonderful Change? or is it all a Fancy, founded on false Suppositions, and supported by false Facts? I am apt to believe the latter, and could wish that the Distinction
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amongst Protestants with regard to Religion, were never brought into any Political Argument. I am sure they can by no means serve to enlighten the present, since you'll find Men of all Persuasions on both Sides of the Question. I really believe there is at this Time so little of the true Spirit of Religion prevails over the Island, that it very little influences their Morals, and has not the least Weight in determining our Political Resolves.

Thus much for your Management of Protestant *Jacobites*; I have as much an Abhorrence of the Doctrines of the Church of *Rome*, as you can have; yet I can not approve of your Overture of putting the penal Laws in Execution against them; if the Government acted judiciously, in treating these People with Lenity hitherto, I think it's absolutely necessary that they should give some Occasion by their Behaviour, for different Measures being observed towards them. That they have behaved with great Decency on this Occasion, I think, must be granted on all Hands; and I cannot see any Reason that we should put an uncharitable Construction upon their Behaviour, by alledging, they were quiet by Orders from *Rome*, and for fear of disgusting the Nation. There is

no End of such Suppositions, and the venting them must make the People believe, that whatever Measures they pursue they must never expect to be quiet. You allow, that Persecution hardens Men in their Opinions, and gains many Converts; therefore any thing that can be in the most distant Sense construed to lean that Way ought to be avoided but upon extreme Necessity. I am certain, that a strict Eye ought to be kept over the Roman Catholicks, as they are naturally Enemies to our Constitution; but as I observed before, if they have not forfeited the Indulgence they have had hitherto, I cannot see any Necessity for pursuing other Measures with regard to them in general.

I have used, Sir, no more Freedom with you, than I would be glad any other would do with me or my Opinions: The Subject we have been treating of is of Importance to the Publick, the Interest of which is the only Motive which induced me to concern myself in the Question: If my Labour can contribute any thing towards that great End, I shall think myself sufficiently rewarded.

I am, S I R,

Your most humble Servant,

F I N I S.



